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Letter dated 19 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (see annex), which contains an account of the Committee's activities during the period from 1 January to 31 December 2008. The report is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Dumisani Shadrack **Kumalo**
Chairman
Security Council Committee established pursuant
to resolution 751 (1992) concerning Somalia

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Annex

Annual report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia covers the period from 1 January to 31 December 2008.

2. For 2008, the bureau consisted of Dumisani S. Kumalo (South Africa) as Chairman, with the delegations of Croatia and the Libyan Arab Jamahiriya providing the Vice-Chairmen.

3. During the reporting period, the Committee met seven times in informal consultations.

II. Background

4. By resolution 733 (1992), the Security Council imposed a general and complete arms embargo on Somalia, and by resolution 751 (1992) the Council established a Committee to oversee the implementation of the embargo. Subsequently, in resolutions 1356 (2001), 1425 (2002), 1744 (2007) and 1772 (2007), the Council outlined certain exemptions to the embargo and further elaborated the scope of the measures.

5. During the reporting period, by resolution 1811 (2008) of 29 April 2008, the Security Council requested the Secretary-General, in consultation with the Committee, to re-establish, for a period of six months, the Monitoring Group on Somalia referred to in paragraph 3 of resolution 1558 (2004). The re-established Monitoring Group was mandated, inter alia, to: continue the tasks outlined in paragraph 3 (a) to (c) of resolution 1587 (2005) (i.e., investigate the implementation, and violations, of the arms embargo and make recommendations), continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generated revenues used to commit arms embargo violations; continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations; continue refining and updating information on the draft list of those individuals and entities that violated the measures implemented by Member States in accordance with resolution 733 (1992), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and present such information to the Committee as and when the Committee deemed appropriate; continue making recommendations based on its investigations and on the previous reports of the Monitoring Group; work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo; assist in identifying areas where the capacities of States in the region could be strengthened to facilitate the implementation of the arms embargo; provide to the Council, through the Committee, a midterm briefing within 90 days from its establishment, and submit progress reports to the Committee on a monthly basis; and submit, for the Security Council's consideration, a final report

covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

6. By resolution 1844 (2008) of 20 November 2008, the Security Council, emphasizing the contribution made to Somalia's peace and security by the arms embargo imposed by paragraph 5 of resolution 733 (1992), decided, inter alia, that all Member States should take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 of the same resolution. The Council also decided that all Member States should freeze without delay the funds, other financial assets and economic resources owned or controlled directly or indirectly by the individuals or entities designated by the Committee. The Council also imposed on individuals and entities designated by the Committee a prohibition on the supply, sale or transfer of weapons and military equipment, and related training, and financial and other assistance. By paragraph 8 of the same resolution, the Council mandated the Committee to designate individuals and entities: (a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia; (b) having acted in violation of the general and complete arms embargo; and (c) obstructing delivery or access to humanitarian assistance to Somalia. The Committee was entrusted with the tasks, inter alia, by paragraph 11, of monitoring the implementation of the travel ban and assets freeze, with the support of the Monitoring Group; of seeking from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the travel ban and assets freeze; and of reporting to the Council at least every 120 days on its work and on the implementation of resolution 1844 (2008).

III. Summary of the Committee's activities

7. On 15 January 2008, the Committee held informal consultations for the purpose of hearing a midterm briefing of the Monitoring Group pursuant to paragraph 3 (h) of resolution 1766 (2007). On 25 March 2008, the Committee discussed a request by the Monitoring Group for assistance in eliciting replies from the African Union and Member States. The Committee subsequently, on 27 March, dispatched letters to the Permanent Representatives of the African Union, Ethiopia, Somalia and the United Arab Emirates.

8. On 23 April 2008, the Committee held informal consultations to discuss the final report of the Monitoring Group submitted in accordance with resolution 1766 (2007), and agreed to send letters to the Permanent Representatives of Djibouti, Eritrea, Ethiopia, Yemen, the United Kingdom of Great Britain and Northern Ireland and the United Arab Emirates drawing attention to relevant paragraphs in the final report of the Monitoring Group of 24 April 2008 (see S/2008/274) and requesting the views of the respective Governments in that regard. The Committee also agreed to address letters to the Permanent Representative of Somalia and to the Commissioner for Peace and Security of the African Union recommending an independent investigation into the reported sale of weapons and ammunition to the Somali arms market, by officials of the Transitional Federal Government and members of the Ugandan contingent of the African Union Mission to Somalia (AMISOM), respectively. The Committee also agreed to send letters to the Permanent Representatives of Bulgaria, the Comoros, the Czech Republic, Ethiopia, France, Iran (Islamic Republic of), Greece, Japan, Kenya, Poland, Saudi

Arabia, Serbia, the United States of America, and the African Union, to elicit responses to unanswered requests by the Monitoring Group. The Committee also dispatched a note verbale to all Member States referring to the implementation of the arms embargo and to the exemptions provided for in resolution 1772 (2007). On 16 May 2008, the Chairman briefed the Council in informal consultations on the final report of the Monitoring Group.

9. On 25 June 2008, the Committee held informal consultations with the Monitoring Group re-established pursuant to resolution 1811 (2008) and also discussed the request of the Security Council contained in paragraphs 6 and 7 of resolution 1814 (2008) to provide recommendations on specific measures the Council might impose on individuals and entities that block the peace process or breach the arms embargo.

10. On 24 July 2008, the Committee held an exchange of views with the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, in connection with the Council's request in paragraphs 6 and 7 of resolution 1814 (2008). In this regard, in a letter dated 1 August 2008 to the President of the Security Council, the Committee conveyed its recommendations to the Security Council concerning the imposition of targeted measures against individuals and entities as designated by the Committee.

11. On 9 September 2008, the Committee heard a midterm briefing by the Monitoring Group. Subsequently, on 23 September 2008, the Committee addressed letters to follow up on requests for information by the Monitoring Group to the Permanent Representatives of the African Union, the Czech Republic, the Comoros, Djibouti, Eritrea, Ethiopia, Iran (Islamic Republic of) and the United Arab Emirates.

12. The Committee held consultations on 9 December 2008 to hear a presentation by the Monitoring Group of its final report of 10 December 2008 (see S/2008/769) and to discuss the observations and recommendations contained in the report. On 11 December 2008, in informal consultations, the Chairman briefed the members of the Council on the main findings contained in the report and on the Committee's discussions of the Group's report and its recommendations. In connection with recommendations contained in the report of the Monitoring Group, the Committee on 19 December 2008 dispatched letters to the Permanent Representatives of Somalia and Ethiopia to the United Nations, the Chairperson of the African Union Commission and the Under-Secretary-General for Peacekeeping Operations. The Committee also addressed a note verbale to all Member States drawing attention to paragraph 269 of the report of the Monitoring Group and related existing mechanisms, and to the need for compliance with the provisions for exemptions to the arms embargo as set forth in paragraphs 11 and 12 of resolution 1772 (2007).

13. During the reporting period, the Committee received 14 requests for exemptions to the arms embargo for non-lethal military equipment pursuant to paragraph 3 of resolution 1356 (2001), one request for an exemption to the arms embargo pursuant to paragraph 11 (b) of resolution 1772 (2007) and a notification pursuant to paragraph 6 of resolution 1744 (2007). The Governments of Denmark and the Netherlands informed the Committee of their decisions to provide naval escort to merchant ships carrying relief cargo at the request of the World Food Programme and with the consent of the Transitional Federal Government.